

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



Applicants: Jack S. Warren et al.

Attorney Docket: EVT1002US

Serial No.: 09/982,105

Group Art Unit: 1621

Filed: October 17, 2001

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For: PROCESS FOR THE PRODUCTION OF AMIDES

OFFICE OF PETITIONS

**PETITION TO WITHDRAW ERRONEOUS HOLDING  
OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition under 37 C.F.R. § 1.181 (a) requesting that the Commissioner withdraw the Notice of Abandonment erroneously issued in connection with the above-identified patent application on December 17, 2003. The Notice of Abandonment states that the above-identified application was abandoned for failure to file a reply to the Notice to File Missing Parts mailed on November 19, 2001. Attached to this petition are copies of papers timely submitted on January 31, 2002, and fully responsive to the Notice to File Missing Parts:

- (1) Transmittal Letter with express mail certificate (2 pages);
- (2) Response to Notice to File Missing Parts with express mail certificate (2 pages);
- (3) Notice to File Missing Parts (1 page);

**Certificate of Express Mailing (37 C.F.R. § 1.10)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 398760766 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date:

January 12, 2004

Signature:

Name: Jodi Jung

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- (4) Petition for Extension of Period for Response with express mail certificate (2 pages);
- (5) Combined Declaration for Patent Application and Power of Attorney (signed) (3 pages);
- (6) Check in the amount of \$1322.00 (1 page);
- (7) Customer copy of Post Office to Addressee Express Mail Label No. EV 008531177 US date stamped by the US Postal Service Jan 31 2002 (1 page);
- (8) Return receipt postcard itemizing these papers date stamped Jan 31 2002 by the USPTO (1 page); and
- (9) January 8, 2004 Fax from M&I Bank providing a copy of the canceled check for \$1322.00 (2 pages).

Applicants respectfully submit that the enclosed information is sufficient to establish that a complete response to the Notice to File Missing Parts was filed on January 31, 2002, and that the outstanding holding of abandonment is in error. Withdrawal of this holding of abandonment and prompt action on the merits of this application are respectfully requested.

Also enclosed is a copy of a November 13, 2003 Change of Correspondence Address (1 page).

Petition to Withdraw Erroneous Holding

of Abandonment

Applicants: Jack S. Warren et al.

Serial No.: 09/982,105

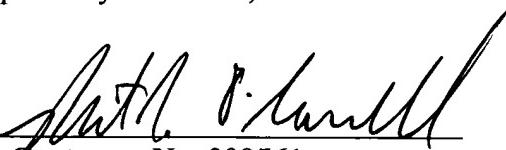
Attorney Docket: EVT1002US

No fee is seen to be necessary in connection with the filing and consideration of this petition. However, if a fee is necessary, please charge any fee to Deposit Account No. 16-2312.

Respectfully submitted,

Date: January 12, 2004

By



**Customer No. 009561**

Patrick J. O'Connell (33,984)

Cecilia Jaisle (28,824)

POPOVICH, WILES & O'CONNELL, P.A.

650 Third Avenue South, Suite 600

Minneapolis, MN 55402

Telephone: (612) 334-8989

Fax: (612) 334-8994

Attorneys for Applicants

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jack S. Warren et al. Attorney Docket: EVT1002US

Serial No.: 09/982,105 Group Art Unit: 1621

Filed: October 17, 2001

For: PROCESS FOR THE PRODUCTION OF AMIDES

FEB 05 2004

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JAN 14 2004

OFFICE OF PETITIONS

**TRANSMITTAL LETTER**

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith are the following:

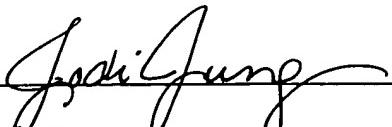
1. Response to Notice to File Missing Parts (2 pages);
2. Copy of Notice to File Missing Parts (1 page);
3. Petition for Extension of Period for Response (2 pages);
4. Combined Declaration for Patent Application and Power of Attorney (signed) (3 pages); and
5. Check in the amount of \$1322.00 to cover the filing fee (\$740.00), additional claims fee (\$342.00), surcharge fee (\$130.00), and extension of time fee (\$110.00).

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**Certificate of Express Mailing (37 C.F.R. § 1.10)**

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 008531177 US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: January 31, 2002

Signature: 

Name: Jodi Jung

Transmittal Letter

Applicants: Jack S. Warren et al.

Serial Number: 09/982,105

Attorney Docket: EVT1002US

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-2312. A duplicate copy of this transmittal letter is attached.

Respectfully submitted,

Dated: January 31, 2002

By



Customer No. 009561

Thomas E. Popovich (30,099)

Patrick J. O'Connell (33,984)

POPOVICH & WILES, PA

IDS Center, Suite 1902

80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jack S. Warren et al. Attorney Docket: EVT1002US

Serial No.: 09/982,105 Group Art Unit: 1621

Filed: October 17, 2001

For: PROCESS FOR THE PRODUCTION OF AMIDES

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JAN 14 2004

OFFICE OF PETITIONS

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated November 19, 2001, the period for response to which has been extended to February 19, 2002, by the enclosed Petition for Extension of Period for Response, enclosed are a Combined Declaration for Patent Application and Power of Attorney and a check in the amount of \$1322.00 to cover the filing fee (\$740.00), additional claims fee (\$342.00), surcharge fee (\$130.00), and extension of time fee (\$110.00).

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of filing fees required under 37 C.F.R. § 1.16 to Deposit Account No. 16-2312.

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Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 008531177 US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: January 31, 2002

Signature: Jodi Jung

Name: Jodi Jung

Response to Notice to File Missing Parts  
Applicants: Jack S. Warren et al.  
Serial Number: 09/982,105

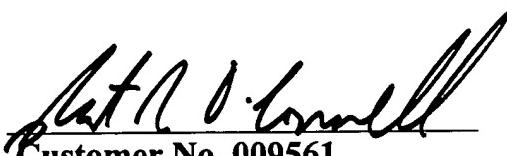
Attorney Docket: EVT1002US

A copy of the Notice to File Missing Parts of Nonprovisional Application  
and a duplicate copy of this response are enclosed.

Respectfully submitted,

Dated: January 31, 2002

By

  
**Customer No. 009561**

Thomas E. Popovich (30,099)  
Patrick J. O'Connell (33,984)  
POPOVICH & WILES, PA  
IDS Center, Suite 1902  
80 South 8th Street  
Minneapolis, MN 55402  
Telephone: (612) 334-8989  
Attorneys for Applicants

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T A D M A R K O F F I C E  
J C 42

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/982,105	10/17/2001	Jack S. Warren	EVT1002US

POPOVICH & WILES, P.A.  
 Suite 1902  
 IDS Center  
 80 South 8th Street  
 Minneapolis, MN 55402

CONFIRMATION NO. 6772  
**FORMALITIES LETTER**



\*OC000000007091683\*

RE RECEIVED  
 TECH CENTER 1600  
 FEB 05 2004  
 10:23 AM  
 37 CFR 1.53(b)

Date Mailed: 11/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$342.
  - \$342 for 19 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1212.**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jack S. Warren et al. Attorney Docket: EVT1002US

Serial No.: 09/982,105 Group Art Unit: 1621

Filed: October 17, 2001

For: PROCESS FOR THE PRODUCTION OF AMIDES

**PETITION FOR EXTENSION OF PERIOD FOR RESPONSE**

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicants hereby petition for an extension of one month (from January 19, 2002, to February 19, 2002) within which to respond to the Notice to File Missing Parts of Nonprovisional Application dated November 19, 2001. A check in the amount of \$1322.00 is enclosed to cover the filing fee (\$740.00), additional claims fee (\$342.00), surcharge fee (\$130.00), and extension of time fee (\$110.00). If additional time is required, please consider this a conditional petition therefore. It is believed that no additional fees are due in connection with this Petition. If this is incorrect, however, please charge any additional fees to Deposit Account No. 16-2312.

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Certificate of Express Mailing (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EV 008531177 US in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: January 31, 2002

Signature: 

Name: Jodi Jung

Petition for Extension or Period for Response  
Applicants: Jack S. Warren et al.  
Serial Number: 09/982,105

Attorney Docket: EVT1002US

A duplicate copy of this Petition is enclosed for that purpose.

Respectfully submitted,

Dated: January 31, 2002

By



**Customer No. 009561**

Thomas E. Popovich (30,099)

Patrick J. O'Connell (33,984)

POPOVICH & WILES, PA

IDS Center, Suite 1902

80 South 8th Street

Minneapolis, MN 55402

Telephone: (612) 334-8989

Attorneys for Applicants

POPOVICH & WILES  
A PROFESSIONAL ASSOCIATION  
1902 IDS CENTER  
80 SOUTH 8TH STREET  
MINNEAPOLIS, MN 55402

Atty Dkt EVT1002US

8780

PAY TO THE ORDER OF Commissioner of Patents + Trademarks \$1322.00  
One thousand three hundred twenty two and 00/100 DOLLARS  Security Features  
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DATE

Jan 31/2002  
17-115-910

FOR

"008780" "0910011571" 00011"04330"

*Tony J. Wiles*

MP

The mail stamp of the Patent and Trademark Office on card acknowledges the filing on the date stamped of:

Transmitted herewith is a Transmittal Letter with cert. of express mail (2 pages, in duplicate); Response to Notice to File Missing Parts with cert. of express mail (2 pages, in duplicate); copy of Notice to File Missing Parts (1 page); Petition for Extension of Period for Response with cert. of express mail (2 pages, in duplicate); Combined Declaration for Patent Application and Power of Attorney (signed) (3 pages); and check in the amount of \$1322.00.

Applicants: Jack S. Warren et al.

Title: PROCESS FOR THE PRODUCTION OF AMIDES

Serial No.: 09/982,105

File No.: EVT1002US

Due Date: February 19, 2002

Initials: TEP/PJO

Mailed: January 31, 2002

Oppositions-extension of time requested to: February 19, 2002

Express Mail Label No.: EV 008531177 US



**POST OFFICE  
TO ADDRESSEE**



EV 008531177 US



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Time In <i>5:55</i>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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PHONE *( )*

*POPOVICH & WILES P.A.  
811 S 8TH ST STE 1902  
MINNEAPOLIS MN 55402-2111*

*ASSISTANT COMMISSIONER  
FOR PATENTS  
WASHINGTON DC 20231-9999*

*(EVT1002US)*

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FOR PICKUP OR TRACKING CALL 1-800-222-1811 [www.usps.com](http://www.usps.com)



The mail stamp of the Patent and Trademark Office on card  
acknowledges the filing on the date stamped of:

Transmitted herewith is a Transmittal Letter with cert. of express mail (4 pages,  
in duplicate); Response to Notice to File Missing Parts with cert. of express mail  
(2 pages, in duplicate); copy of Notice to File Missing Parts (1 page); Petition for  
Extension of Period for Response with cert. of express mail (2 pages, in duplicate);  
Combined Declaration for Patent Application and Power of Attorney (signed)  
(3 pages); and check in the amount of \$1322.00.

Applicants: Jack S. Warren et al.

Title: PROCESS FOR THE PRODUCTION OF AMIDES

Serial No.: 09/982,105

File No.: EVT1002US

Due Date: February 19, 2002

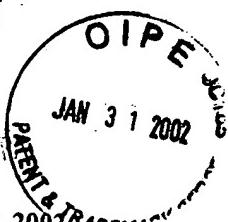
Initials: TEP/PJO

Mailed: January 31, 2002

Oppositions-extension of time requested to: February 19, 2002  
Express Mail Label No.: EV 008531177 US

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BY POPOVICH & WILCOX

FEB 11 2002



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UNITED STATES PATENT AND TRADEMARK OFFICE



1-13-04

Page 1 of 1

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/982,105	10/17/2001	Jack S. Warren	EVT1002US

RECEIVED

CONFIRMATION NO. 6772

JAN 14 2004

ABANDONMENT/TERMINATION  
LETTER

OFFICE OF PETITIONS



RECEIVED

\*OC000000011512631\*

FEB 05 2004

Date Mailed: 12/17/2003

TECH CENTER 1600/2900

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/19/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE